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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,977	09/19/2003	Reuben Sandler	09172-0305484	5369

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EXAMINER

LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,977

Applicant(s)

SANDLER ET AL.

Examiner

Evan H Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-24 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “walls of said pulley are tapered so as to avoid interference with said material.” as claimed in claim 13.

Claim Objections

Claim 12 is objected to because of the following informalities: suggest replacing the term “right angles” with ‘orthogonal’ or ‘perpendicular’ to more clearly define the claimed subject matter.. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 9, 16-19, 21, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Seleski et al. (US 4,077,579).

Seleski discloses a follower apparatus for use in guiding material 10 between the follower 11 and a spool 18, the follower comprising:

a follower module including

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a base 14;
a roller 11 rotatably attached to said base for guiding the material;
a detection apparatus 22 for detecting when the material is not in a selected zone of the roller and for outputting a corresponding indicative signal;
motorized apparatus 23 for moving the follower module 11; and
a control apparatus responsive to said signal for directing said motorized apparatus to move the module into the selected zone.

In regards to claims 2 and 3, Seleski discloses a pulley arrangement 15, 17 for receiving and redirecting the material 10, where the axis of the pulley arrangement is parallel to the axis of the roller 11.

In regards to claims 5 and 9, Seleski discloses the detection apparatus as a light emitter and detector apparatus 31, 32.

In regards to claim 16, Seleski discloses first and second physical stops 12, 13.

In regards to claim 17, Seleski discloses an apparatus for guiding material 10 between a spool 11 and a material guidance 15, 17 module comprising;

a spool module 14 for rotatably mounting a spool 11;
a material guide module including 15
a base 20;
a roller 15 rotatably attached to the base for guiding the material;
a detection apparatus 22 for detecting when the material is not in a selected zone of the roller 11 and outputting a corresponding indicative signal;
a motorized apparatus 23 for moving the spool module; and

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a control apparatus responsive to the signal for moving the motorized apparatus so as to move the spool module to position said material into the selected zone.

In regards to claims 18 and 19, Seleski discloses a pulley arrangement 17 for receiving and redirecting the material 10, where the axis of the pulley arrangement is parallel to the axis of the roller 11.

In regards to claim 21, Seleski discloses the detection apparatus as a light emitter and detector apparatus 31, 32.

In regards to claims 23 and 24 the apparatus includes a track oriented parallel to the axis of rotation of the spool and the roller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seleski.

Seleski discloses the claimed invention except for the pulley arrangement oriented orthogonal to the axis of rotation of the roller 11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to orient the roller in any such manner to direct the material to a desired location and/or position since it was known in the art that to use such pulleys or 'turning bars' as known in the art to redirect material.

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Claims 6-8, 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seleski in view of Kurz (US 3,568,904).

Kurz teaches a light emitter and detector apparatus having and first emitter and detector and a second emitter and detector 50, Fig. 2, for detecting material in a first and second side zones that are opposite one another.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the detection apparatus of Seleski to include a second a second light emitter and detector as suggested by Kurz, to more accurately detect the position of the material.

Allowable Subject Matter

Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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